

U.S. Department of Justice
Immigration and Naturalization Service

Final Administrative Removal Order

FINAL ADMINISTRATIVE REMOVAL ORDER UNDER SECTION 238(b) OF THE IMMIGRATION AND NATIONALITY ACT

Case No: BOS0410000016

File No: A079 673 689

Date: 2/3/04
October 1, 2003To: Carlyle PHILLIP AKA: W80285, PED: 9/14/2004Address: C/O NCCI GARDNER P.O. BOX 466 GARDNER MASSACHUSETTS 01440

(Number, street, city, state and ZIP code)

Telephone: (978) 632-2000

(Area code and phone number)

ORDER

Based upon the allegations set forth in the Notice of Intent to Issue a Final Administrative Removal Order and evidence contained in the administrative record, I, the undersigned Deciding Service Officer of the Immigration and Naturalization Service, make the following findings of fact and conclusions of law. I find that you are not a citizen or national of the United States and that you were not lawfully admitted for permanent residence. I further find that you have a final conviction of an aggravated felony as defined in section 101(a)(43) of the Act, 8 U.S.C. 1101(a)(43), and are ineligible for any relief from removal that the Attorney General may grant in an exercise of discretion. I further find that the administrative record established by clear, convincing, and unequivocal evidence that you are deportable as an alien convicted of an aggravated felony pursuant to section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. 1227(a)(2)(A)(iii). By the power and authority vested in the Attorney General and in me as the Attorney General's delegate under the laws of the United States, I find you deportable as charged and order that you be removed from the United States to

Trinidad or to any alternate country prescribed in section 241 of the Act.

David R. Rubin
(Signature of Authorized INS Official)
1/ASAC ICE Investigations
(Title of official)
2/3/04 Boston, MA
(Date and office location)

Petition for review: ☐ Waived by respondent.☒ Reserved by respondent.

Certificate of Service

I served this FINAL ADMINISTRATIVE REMOVAL ORDER upon the above named individual.

3/5/04, 1000 hrs., NCCI Gardner in person
(Date, time, place and manner of service)

JULIA LEE

SPECIAL AGENT

(Signature and title of officer)

U.S. Department of Justice
Immigration and Naturalization Service

MEMORANDUM OF INVESTIGATION

File Number A79 673 689	Title: PHILLIP, Carlyle W80285 PED: 9/14/2004	Control Office BOS
----------------------------	---	-----------------------

On November 25, 2003 an I-851 Notice of Intent to Issue a Final Administrative Removal Order was served on Carlyle PHILLIP at the North Central Correctional Institution in Gardner, Massachusetts. At 1410hrs, PHILLIP signed and acknowledged receipt of the Notice and stated he would respond within the allowed 10-calendar-day period. His reply was postmarked timely on December 4, 2003 and he indicated on his reply that he would send further supporting documentation within 20 days. As of February 2, 2004 no such documentation has been received at SAC/Boston.

In his reply, PHILLIP contested his deportability, claiming he was not convicted of the offense alleged in the Notice. He typed on the Notice that he was never convicted in a "court of competent jurisdiction". He also attached a paper of unknown origin citing a due process issue in the federal case Frazier v. Garrison 980 F2d 1514. Conviction records from Hampden Superior Court indicate PHILLIP freely entered guilty pleas on all counts for which he is now serving his sentence.

PHILLIP also claimed to be a Lawful Permanent Resident, a claim he has made in every encounter with this writer. All ICE record checks have proven negative. During a 5/21/02 interview at MCI Concord, PHILLIP also claimed the SS# [REDACTED] 0005. A Choicepoint check revealed this number has only been used by Carlton PHILLIP, who is SUBJECT's twin brother and is a Lawful Permanent Resident (IR-6 A38736029) residing in Brooklyn, NY.

Special Agent: Julia Lee

Date: 2/2/04

G-166C